



Memorandum

TO: Mayor and City Council

FROM: Bob Morgan, Interim City Manager

DATE: July 2, 2009

SUBJECT: **PART 2 - IFYI**

IFYI HIGHLIGHTS:

- Plans to Perform Essential Duties in Assistant City Manager Denise Turner's Absence
- City's Process for Responding to Public Records Requests

Plans to Perform Essential Duties in Assistant City Manager Denise Turner's Absence

Staff has created a plan of action to ensure essential duties routinely performed by Assistant City Manager Turner are completed during her anticipated leave. Attached is a list of her essential duties and the staff member who will assume those duties in her absence.

City's Process for Responding to Public Records Requests

The attached includes a proposal for enhancing the city's response to public records requests. This proposal was developed to respond to the recommendations proposed by the Greensboro Neighborhood Congress and others for improvement to the city's process. The document includes proposed next steps, seeking input from the Neighborhood Congress, media and the public. Proposed implementation is for fall of this year.

TRANSITION PLAN:
Assignment of Assistant City Manager Denise Turner's
Essential Tasks While She is On Leave

ESSENTIAL TASKS	ASSIGNED TO
Department Reports	Andy: Enterprise Solutions, Training & Employment Services, IT Bob: GM911, Library, Public Affairs, City Clerk, Human Resources
Liaison w/ State & Federal Agencies	Bb Morgan, CMO Terry Wood, Legal
Legislative correspondence and contacts	Becky-Jo Peterson-Buie, Legal
Economic Stimulus Tracking - Community Interactions - Unpublished Criteria	Mary Vigue, B & E Dan Curry, HCD
Provide support to Mayor and Council members in the preparation of speeches and talking points	Pat Boswell, Public Affairs
Media calls & contacts	Pat Boswell, Public Affairs
Review "City Connections" and "At Your Service" publications	Andy Scott, CMO
Chief Information Officer role/function (central point for consulting on technology projects for the organization)	Darryl Jones, Information Technology Chryste Hofer, Enterprise Solutions
Records Coordinator for CMO	Teresa Lockamy, CMO

MEMORANDUM

DATE: June 25, 2009

TO: City Council

FROM: Assistant City Manager Denise Turner

SUBJECT: City's Process for Responding to Public Records Requests

Background

In August of 2008, the Greensboro Neighborhood Congress submitted a process for the City to use in responding to public requests for information/documents. This proposal was inspired primarily by delays experienced in obtaining information from multiple City departments, and it contained specific timeframes within which the City would provide requested information or else explain why they were delayed in doing so or unwilling to do so. The group's proposed process also included periodic status updates and an appeal avenue to City Council.

Concurrent with this request, the City received concerns from some in the media about the time taken to provide documents related to certain current events. These concerns had prompted the City's Public Affairs Department to begin tracking requests which were submitted through them in order to minimize delay and prevent requests from being dropped between departments. Then City Manager Mitchell Johnson was in the process of recruiting for a new Assistant Manager to oversee communications and indicated to the City Council that he would have the new assistant respond to the Neighborhood Congress' proposal.

A committee of top managers from Information Technology, Enterprise Solutions, Public Affairs, Police, Human Resources, and the Legal Department, under my direction, prepared a proposal for responding to public document requests which used the Neighborhood Congress' proposal as a starting point, evaluated its timeframes for feasibility, and added refinements.

Our Proposal

Our goal in developing the process was to create the most transparent and responsive system practical for responding to public requests for documents and/or information. We sought to maintain processes that were working well and provide a process where one was lacking. To that end, we categorized the requests received by the organization according to the difficulty and complexity of the response required and developed a system which allowed us to respond very quickly to simple requests while also increasing our responsiveness to complex requests.

Categories of Requests:

Service Requests: When a resident calls for a specific City service (a missed trash can, sign-up for water, etc.), the call is handled by processes already in place in the individual departments or, in many cases, by the City's Contact Center. We are not aware of any systemic problems in this process.

Simple Records or Information Requests: We receive many requests which are "simple" in that the person who receives them is to answer them or refer them directly to the person who can, without extensive research or multiple departments being involved. One goal of the new process is to expedite these requests by ensuring that our employees recognize them as simple and have the tools to answer them quickly.

The City Attorney's office and the Public Affairs Department are working together to prepare general "checklists" that will enable employees to determine quickly whether a request for information or documents falls into a clearly public or clearly not public category. The City Attorney's office will also conduct "audits" of each department to determine the most frequently requested information and documents and provide a more customized set of checklists for that department's subject area. Requests received which fall into a gray area will be referred to a departmental manager or to the Legal Department for a determination of their status under public records law, but it is our hope that a large number of requests will be readily identifiable as public or not public using these checklists, thus expediting answers. Samples of checklists are provided at the end of this report.

Complex Records or Information Requests: While the majority of resident requests for records fall into the "simple" category, many requests from media in the past few years have been far more complex. These requests may involve multiple departments, records that are not easily accessible, computer searches, or redaction due to confidential information. Checklists might enable us to respond to parts of such requests quickly, using a triage process, but these complex requests will clearly take more time. To ensure that they are complied with in a reasonable amount of time, we propose the following process:

1. Set clear timeframes for completion and updates.
2. Monitor progress at the City Manager's Office level.
3. Improve accountability for results.
4. Provide additional training to staff.
5. Use technology more effectively.
6. Establish minimal copy charges to recover costs to the taxpayer.

Proposed Process

1. *Set clear timeframes for completion and updates.*

Staff used the Greensboro Neighborhood Congress' proposal as a starting point. The timeframes were reviewed by those most frequently involved in complex document requests—Technology, Legal, Human Resources, Police, and others.

	Staff Proposal	Neighborhood Congress Proposal
Acknowledgement of request, with contact person and department(s)	Within 2 working days	Within 5 working days
1 st response to requester, containing <ul style="list-style-type: none">▪ Requested documents or▪ Estimated time required to fulfill request and reason for delay or▪ Explanation (including citation of statute) for not providing requested information (e.g. personnel information)	Within 10 working days	Within 15 working days
2 nd response to requester if request not already fulfilled	Within 30 working days	Within 45 working days
CMO schedules appeal	Within 75 working days	Within 75 working days

2. *Monitor Progress*

The City Manager's Office will receive and review ongoing reports on outstanding requests and requests for which we have not met deadlines. This office will follow up with departments and will schedule appeals to City Council where resolution has not been or cannot be achieved within the designated timeframes.

3. *Improve Accountability*

Individual department heads will be held responsible for timely response to requests for documents housed in their departments. Each director will designate one position in his or her department as the Records Coordinator for that department. The individual in that position will assume the following role:

1. Act as overseer of department's response to requests for documents.
2. Assign requests to appropriate staff within own department.
3. Monitor department's compliance with timeframes.
4. Assist other staff within department in determining whether documents can be released without Legal review (works closely with Legal as needed).
5. Designate backups and assistants as appropriate to department's size and structure.

The department heads will be responsible for seeing that all appropriate efforts are made in a timely manner to respond to public requests for documents.

4. *Provide Additional Training*

As mentioned earlier, Legal and Public Affairs will provide checklists—both general and department-specific—to each department identifying the public or non-public status of the most clear-cut and frequently requested documents. Those checklists will be distributed during training for Records Coordinators, who will also be trained on the new policy and procedure outlined here and will be given a refresher course on public records law.

5. *Use Technology More Effectively*

Technology currently available to us will allow us to issue acknowledgements of requests when they are received and will be configured to generate internal and external reports to the City Manager's Office at various stages of the process. By tracking requests from receipt to fulfillment, we will not only catch individual mistakes or violations of timeframe but will also be able to see overall patterns of response within the organization that might require correction.

6. *Establish Minimal Charges*

If City Council approves, we propose to begin recovering the actual cost of printing document copies as permitted by North Carolina statute. We will set the charges based on the City print shop's cost-accounting figures and alter them as necessary every year as part of the budget, as we do with other fees and charges. We do not propose to charge for very small requests, where the process might be more costly than the copies. Therefore, those requesting copies will be charged only when the cost within thirty (30) consecutive calendar days adds up to \$1 or more.

Next Steps

We plan to meet with media and the Neighborhood Congress to present this proposal, after which we will incorporate any feedback into the process. We will then bring the entire proposal back to City Council for approval and establishment of copy charges. In the meantime, we have begun those aspects of the process which need to be done under any circumstances, such as upgrading the technical processes to provide updates, naming of Records Coordinators for each department, and preparation for training of the coordinators. When the entire process is approved, we will take appropriate steps to inform all stakeholders of the process.

Target for Implementation: Fall of 2009

Sample Checklist: These ARE Public Records!

- ☐ Circumstances surrounding an arrest:
 - time and place,
 - whether the arrest involved resistance,
 - possession or use of weapons or pursuit, and
 - description of items seized
- ☐ Employee information:
 - name,
 - age,
 - date of original employment,
 - terms of contracts,
 - current position title,
 - current salary including pay, benefits, incentives, and bonuses

Sample Checklist: These ARE NOT Public Record!

- ☐ Personal emails or other records which do not involve City business (e.g., a note from a spouse reminding you to pick up milk on the way home)
- ☐ Rough, personal notes kept by an employee for his/her personal use
- ☐ Account numbers
- ☐ Criminal investigations
- ☐ Criminal intelligence information
- ☐ Social security numbers
- ☐ The following information about a minor child in a P&R program:
 - name,
 - address,
 - age,
 - date of birth,
 - telephone number,
 - name or address of parent or legal guardian